



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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JANUARY 13, 2014

Regular meeting of the City Council held on Monday, January 13, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy, and Landers. Meeting adjourned at 8:54 PM.

ORDERED: That the minutes of the City Council meeting DECEMBER 16, 2013, **FILE**; adopted.

ORDERED: That the minutes of the City Council meeting JANUARY 6, 2014, **FILE**; adopted.

Councilor Clancy introduced Officer McKenzie along with the newest addition to the Police Department, Police Dog Kaiser.

ORDERED: That the **PUBLIC HEARING** On the Proposed Amendment to the Code of the City of Marlborough, Zoning, Section 650-17, Medical and Dental Clinics, Order No. 13-1005578A, **REVIEW IN URBAN AFFAIRS AND CHANGE DEFINITIONS WITHIN TABLE OF USES TO ALLOW DENTAL CLINICS IN A BUSINESS AREA**, all were heard who wish to be heard, hearing recessed at 8:14 PM.

Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility at 289 Elm Street, Order No. 13-1005582A, all were heard who wish to be heard, hearing recessed at 8:35 PM.

Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

ORDERED: That the Police Department transfer request in the amounts of \$168,090.00 and \$4,000.00 which moves funds from and to various accounts to fund overtime costs associated with retirements of and injuries to officers in the department and for in-service training for newly promoted officers as well as increased membership dues respectively, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Police						FY:	2014		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,319,816	\$91,000.00	12100001	50420	Police Officers	\$91,000.00	12100003	51310	OT - Regular	\$40,164	
	Reason:	Surplus due to vacancies and injuries					Funds needed because of high use due to vacancies and injuries			
\$204,841	\$47,590.00	12100003	51213	Public Safety Disp.	\$47,590	12100003	51310	OT - Regular	\$40,164	
	Reason:	Surplus due to vacancy and grant funds					Funds needed because of high use due to vacancies and injuries			
\$137,903	\$14,000.00	12100003	51320	OT - Court	\$14,000	12100003	51310	OT - Regular	\$40,164	
	Reason:	Fewer officers needed for court thus far					Funds needed because of high use due to vacancies and injuries			
\$137,903	\$5,500.00	12100003	51320	OT - Court	\$5,500.00	12100003	51319	OT - Cell Watch	\$183	
	Reason:	Fewer officers needed for court thus far					More prisoners needing suicide watch			
\$137,903	\$10,000.00	12100003	51320	OT - Court	\$10,000	12100003	51490	Holiday	\$99,171	
	Reason:	Fewer officers needed for court thus far					Several mid week holidays resulting in higher holiday pay			
	\$168,090.00	Total			\$168,090.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Police						FY:	2014		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$137,903	\$2,000.00	12100003	51320	OT - Court	\$2,000.00	12100003	51395	In Service Training	\$1,883	
	Reason:	Fewer officers needed for court thus far					More funds needed due to new FTO's and Sgts.			
\$137,903	\$2,000.00	12100003	51320	OT - Court	\$2,000	12100006	57340	Dues and Subscriptions	\$32	
	Reason:	Fewer officers needed for court thus far					Increases in dues and subscription costs			
	\$4,000.00	Total			\$4,000.00	Total				

ORDERED: That the Fire Department transfer request in the amount of \$100,000.00 which moves funds from Firefighter to Overtime due to injuries, unanticipated retirements and long term illnesses of several members of the department, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450 \$100,000.00

Firefighter

TO:

Acct. # 12200003-51300 \$100,000.00

Overtime

ORDERED: That the Public Facilities Department transfer request in the amount of \$10,000.00 which moves funds from Custodian to Gross Overtime due to weather related emergencies and HVAC issues, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11920003-50560 \$10,000.00

Custodian

TO:

Acct. # 11920003-51300 \$10,000.00

Gross Overtime

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Three Grants awarded to the Police Department as follows:

- a) Commonwealth of Massachusetts Executive Office of Public Safety Grant and United States Department of Justice Grant in the amounts of \$15,595.10 each for purchasing tactical bulletproof vests.
- b) Executive Office of Public Safety and Security Grant in the amount of \$8,400.00 to fund traffic safety patrols throughout the City; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Executive Office of Public Safety and Security Grants awarded to the Fire Department in the amounts of \$5,786.00 and \$3,217.00 for Student Awareness Fire Education and for Senior Awareness Fire Education programs respectively; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the gifts awarded to the Police Department from Digital Federal Credit Union in the amount of \$2,000.00 to be used for youth programs and from Companion Pet Sitting/K-9 Hydrotherapy of Northborough in the amount of \$1,501.00 acquired from donated funds; adopted.

ORDERED: That the Following Proposed Order to Revoke Acceptance of MGL Chapter 41, Section 100B, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.
Be it ordained by the City Council of the City of Marlborough that Order No. 12174, accepted on January 22, 1973 under the provisions of M.G.L. chapter 41, § 100B, which concerns indemnification of retired firefighters and police officers, is hereby revoked, and further, be it ordained by the City Council that the Code of the City of Marlborough, as amended, be further amended by deleting in its entirety Section 125-49, Retiree Indemnification Review Board.

ORDERED: That the City Council Meeting Schedule and Committee Assignments from Council President Pope, **FILE**; adopted.

ORDERED: That the Communication from Legislative and Legal Affairs Committee Chairman Clancy – re-filing of Bi-Directional/Uni-directional Antenna Specifications Ordinance as follows, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Article II Of Chapter 270, entitled “Building And Site Development,” is hereby amended by inserting the following new section:

§ 270–10. Incorporation by reference: Specifications and Permit of the Marlborough Fire Department, Bi-Directional/Unidirectional Antenna For In-Building Fire Department and Police Department Radio Coverage In Buildings:

A. The Marlborough Fire Department requires that, in accordance with 780 CMR 915.1, et seq., of the Code of Massachusetts Regulations, as amended, all new buildings and all existing buildings undergoing renovations or rehabilitation constituting new construction, herein defined as 25% or more of gross square footage, provide reliable radio communications for fire fighters, EMS, and police officers within the building based upon the existing coverage levels of the Marlborough Fire Department and the Marlborough Police Department communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

B. The installation and operation of radio-based fire department communication systems must comply with the document entitled “Marlborough Fire Department Bi- Directional/Unidirectional Antenna Specifications For In-Building Fire Department Radio Coverage In Buildings,” which document may be obtained at the Marlborough Fire Department and is incorporated herein by reference. The Marlborough Fire Department is authorized to promulgate and amend, from time to time, said regulations. No radio-based fire department communication systems shall be installed or operated without first filing with the Marlborough Fire Department a written application and obtaining a permit therefor. No occupancy permit shall be issued by the Building Department without said permit, or a written waiver therefrom by the Marlborough Fire Department.

C. Each permit issued by the Marlborough Fire Department under this section is subject to the fee for installation and maintenance of a Fire Department and Police Department communications system which is listed in Section 328-2 of Chapter 328.

II. Section 328-2 of Article II of Chapter 328, entitled “Fire Department Fee Schedule,” is hereby amended by inserting the following new fee:

Type	Fee
Installation and Maintenance of Fire Department and Police Department Communications System	\$50.00

ORDERED: That the Communication from Central Massachusetts Mosquito Control Project re: Pesticide Exclusion for Residents, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, November 26, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, March 5, April 2, May 7, June 11, August 26, September 10, November 5, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 4 and December 2, 2013, **FILE**; adopted.

ORDERED: That the Minutes Marlborough High School Council, December 4, 2013, **FILE**; adopted.

ORDERED: That the Communication from Amica Mutual Insurance Co. re: Ray White, 14 Wilshire Way, Unit 60, refer to the **LEGAL DEPARTMENT**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

A. Trevor Campbell, 65 Conrad Rd., residential mailbox claim 2(a)

B. Paul Stonemetz, 28 Jackson Cir., pothole or other road defect

C. Barbara Nelson, 760 Stevens St., residential mailbox claim 2(a)

ORDERED: That the DPW Commissioner and Mayor review the hours of operation of the resident drop-off facility (Transfer Station) to possibly extend the hours until 5PM on Saturdays (currently closes at 3PM sharp), and potentially to explore some Sunday hours as well, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Marlborough Economic Development Corporation (MEDC) be requested to submit an annual report and FY2014 budget overview to the Marlborough City Council; with a presentation to the full City Council to occur, if possible, within the next sixty days, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:54 PM.